

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-03/09-184
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families requiring her to enroll in her husband's employer-sponsored health insurance plan (ESIA) as a condition of her eligibility for Vermont Health Access Program (VHAP). The issue is whether the petitioner can receive VHAP on her own under the regulations without enrolling in her husband's ESIA.

DISCUSSION

The facts are not in dispute. The petitioner recently applied for VHAP. The petitioner's husband is employed and has health insurance provided by his employer. The petitioner is eligible to enroll as a family member on her husband's insurance, but she is hesitant to do so because of its high deductibles and copayments.

33 V.S.A. § 1974(a) provides that, effective October 1, 2007, individuals who are eligible for VHAP who have access to "approved" employer sponsored insurance are eligible for

and must enroll in the VHAP "premium assistance program" (VHAP-ESIA).¹ Under 33 V.S.A. § 1974(c)(4)(A), "approved" ESIA plans are those that the Department determines to be "substantially similar" to benefits covered under CHAP.

In this case, the petitioner is understandably concerned that her husband's ESIA has high deductibles and copays. But the Department points out that because she has been found *financially* eligible for VHAP, she is eligible for a subsidy, based on her income, for a portion of the premium charged by her husband's ESIA, and to have her medical providers bill the Department for any copayments and deductibles not covered by the ESIA plan. See W.A.M. § 4102.1. (In order to bill the Department under this provision, the providers have to be enrolled in Medicaid, but this is also a requirement for their services to be covered under VHAP.)

Thus, it appears that the Department's decision requiring the petitioner to enroll in her husband's ESIA under VHAP is in accord with the pertinent statutes and regulations. As such, the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

RECOMMENDATION

¹Prior to 10-1-07, individuals who could obtain ESI were ineligible for VHAP.

The Department's decision is affirmed.

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